

**REISSUE APPLICATION: CONSENT OF ASSIGNEE;
STATEMENT OF NON-ASSIGNMENT**

Docket Number

99-TRN-274-RE

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s) Daniel P. JANECKE

Patent Number 6,146,310

Date Patent Issued November 14, 2000

Title of Invention ADAPTIVE AUTOMATED TRANSMISSION DOWNSHIFT CONTROL

1. ☒ Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)
2. ☐ Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.

One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".

The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.

The assignee(s) owning an undivided interest in said original patent is/are
And the assignee(s) consents to the accompanying application for reissue.

Eaton
Corporation ,

Name of assignee/inventor (if not assigned) /

Signature

H. D. Gordon

Date

12/4/03

Typed or printed name and title of
person signing for assignee (if assigned)

Howard D. Gordon

Docket Number 99-TRN-274-RE

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Daniel P. JANECKEApplication No./Patent No.: 09/356,744/6,146,310Filed/Issue Date: July 19, 1999/November 14, 2000Entitled: ADAPTIVE AUTOMATED TRANSMISSION DOWNSHIFT CONTROLEATON CORPORATION, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 010208, Frame 0728, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

12/4/03

Date

(216) 423-5140

Telephone number

HOWARD D. GORDON

Typed or printed name

H. D. Gordon

Signature

GENERAL PATENT COUNSEL

Title

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

Docket Number

I hereby declare that:

The residence, mailing address and citizenship of the inventor are stated below.

I am authorized to act on behalf of the following assignee: EATON CORPORATION

and the title of my position with said assignee is: _____

The entire title to the patent identified below is vested in said assignee.

Inventor 1 Daniel P. JANECKECitizenship USAResidence/Mailing Address 1222 Homecrest Avenue, Kalamazoo, Michigan 49001-4323☐ Additional Inventors are named on separately numbered sheets attached hereto.Patent Number 6,146,310Date of Patent Issued November 14, 2000Title of Invention ADAPTIVE AUTOMATED TRANSMISSION DOWNSHIFT CONTROL

I believe said inventor(s) to be the original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled

ADAPTIVE AUTOMATED TRANSMISSION DOWNSHIFT CONTROL

the specification of which

☒ is attached hereto.☐ was filed on _____ as reissue application number _____
and was amended on _____

(if applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is a list of foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.☒ by reason of other errors.

At least one error upon which reissue is based is described below:

U.S. Patent No. 6,146,310 is assigned to Eaton Corporation. This patent describes a method/system for controlling downshifting in a vehicular automated mechanical transmission system, and in particular to controlling skip downshifting (i.e., downward shifts of at least two gear ratios). According to the patent specification, if during the step of determining whether a skip downshift is deemed desirable the vehicle's throttle position is less than a performance reference value (THL < REF), then the engine speed reference value is set equal to a default value. If, on the other hand, the throttle position exceeds the performance reference value during the step of determining the desirability of a skip downshift, then the engine speed reference value is set equal to the default value plus an offset value equal to about 50-150 RPM.

During prosecution of the application that eventually issued as U.S. Patent No. 6,146,310, the claims were objected to in an Office Action (Paper No. 5) dated October 28, 1999 because of certain "informalities". Specifically, the Examiner suggested that the language in claim 1 of "considering the desirability of skip downshift" be changed to --skip downshift is deemed desirable--. In the responsive Amendment mailed January 24, 2000, applicant amended claim 1 in accordance with the Examiner's suggested claim change. Applicant also made the corresponding same amendment to the other pending independent claims.

As part of a review of Eaton's portfolio of U.S. Patents in the automated heavy duty transmission field, Applicant discovered in November of 2003 that the adoption of the Examiner's suggested change to U.S. Patent No. 6,146,310, as described above, was in error. As stated above, according to the patent specification the comparison of the throttle position to the performance reference value REF is conducted as part of the procedure for determining whether a skip downshift is deemed desirable. However, as a result of adopting the Examiner's suggested change, the claims became unclear as to whether the comparison between the throttle position and the performance reference value REF is conducted as part of the step for determining whether a skip downshift is deemed desirable. Consequently, Applicant filed this reissue application so as to clarify that the comparison between the throttle position and the performance value REF is performed as part of the step of determining whether the skip downshift is deemed desirable. Specifically, independent claims 1, 6 and 8 have been amended in the Preliminary Amendment filed concurrently herewith to effect this clarification.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby appoint Howard D. Gordon, Registration No. 25,979 as my attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to the address listed below.

EATON CORPORATION
1111 Superior Avenue
Cleveland, OH 44114-2584

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

Full name of person signing (given name, family name) *Howard D. Gordon*

Signature *H. D. Gordon*

Date *12/4/03*

Address of Assignee 1111 Superior Avenue, Cleveland, OH 44114-2584